

§ 597. Relationship with Department of Justice

(a) **SUSPENSION OF OTHER INVESTIGATIONS AND PROCEEDINGS.**—Whenever a matter is in the prosecutorial jurisdiction of an independent counsel or has been accepted by an independent counsel under section 594(e), the Department of Justice, the Attorney General, and all other officers and employees of the Department of Justice shall suspend all investigations and proceedings regarding such matter, except to the extent required by section 594(d)(1), and except insofar as such independent counsel agrees in writing that such investigation or proceedings may be continued by the Department of Justice.

(b) **PRESENTATION AS AMICUS CURIAE PERMITTED.**—Nothing in this chapter shall prevent the Attorney General or the Solicitor General from making a presentation as amicus curiae to any court as to issues of law raised by any case or proceeding in which an independent counsel participates in an official capacity or any appeal of such a case or proceeding.

(Added Pub. L. 95-521, title VI, §601(a), Oct. 26, 1978, 92 Stat. 1872; amended Pub. L. 97-409, §2(a)(1)(A), Jan. 3, 1983, 96 Stat. 2039; Pub. L. 100-191, §2, Dec. 15, 1987, 101 Stat. 1306.)

AMENDMENTS

1987—Pub. L. 100-191 amended section generally, substituting provisions relating to relationship with Department of Justice for substantially similar provisions.

1983—Pub. L. 97-409, §2(a)(1)(A), substituted “independent counsel” for “special prosecutor” wherever appearing.

EFFECTIVE DATE OF 1987 AMENDMENT

Amendment by Pub. L. 100-191 effective Dec. 15, 1987, and applicable to proceedings initiated and independent counsels appointed on and after Dec. 15, 1987, see section 6 of Pub. L. 100-191, set out as a note under section 591 of this title.

§ 598. Severability

If any provision of this chapter or the application thereof to any person or circumstance is held invalid, the remainder of this chapter and the application of such provision to other persons not similarly situated or to other circumstances shall not be affected by such invalidation.

(Added Pub. L. 95-521, title VI, §601(a), Oct. 26, 1978, 92 Stat. 1873; amended Pub. L. 97-409, §2(a)(1)(A), 7, Jan. 3, 1983, 96 Stat. 2039, 2042; Pub. L. 100-191, §2, Dec. 15, 1987, 101 Stat. 1306.)

AMENDMENTS

1987—Pub. L. 100-191 amended section generally, substituting provisions relating to severability for provisions relating to termination of chapter. See section 599 of this title.

1983—Pub. L. 97-409, §§2(a)(1)(A), 7, substituted reference to the date of enactment of the Ethics in Government Act Amendments of 1982 for reference to the date of enactment of this chapter and substituted “independent counsel” for “special prosecutor” wherever appearing.

EFFECTIVE DATE OF 1987 AMENDMENT

Amendment by Pub. L. 100-191 effective Dec. 15, 1987, and applicable to proceedings initiated and independent counsels appointed on and after Dec. 15, 1987, see sec-

tion 6 of Pub. L. 100-191, set out as a note under section 591 of this title.

§ 599. Termination of effect of chapter

This chapter shall cease to be effective five years after the date of the enactment of the Independent Counsel Reauthorization Act of 1994, except that this chapter shall continue in effect with respect to then pending matters before an independent counsel that in the judgment of such counsel require such continuation until that independent counsel determines such matters have been completed.

(Added Pub. L. 100-191, §2, Dec. 15, 1987, 101 Stat. 1306; amended Pub. L. 103-270, §2, June 30, 1994, 108 Stat. 732.)

REFERENCES IN TEXT

The date of the enactment of the Independent Counsel Reauthorization Act of 1994, referred to in text, is the date of enactment of Pub. L. 103-270, which was approved June 30, 1994.

AMENDMENTS

1994—Pub. L. 103-270 substituted “1994” for “1987”.

EFFECTIVE DATE OF 1994 AMENDMENT

Amendment by Pub. L. 103-270 applicable with respect to independent counsels appointed before, on, or after June 30, 1994, see section 7(a) of Pub. L. 103-270, set out as an Effective Date of 1994 Amendment; Transition Provisions note under section 591 of this title.

EFFECTIVE DATE

Section effective Dec. 15, 1987, see section 6 of Pub. L. 100-191, set out as a note under section 591 of this title.

PART III—COURT OFFICERS AND EMPLOYEES

Chap.		Sec.
41.	Administrative Office of United States Courts	601
42.	Federal Judicial Center	620
43.	United States Magistrate Judges	631
44.	Alternative Dispute Resolution	651
45.	Supreme Court	671
47.	Courts of Appeals	711
49.	District Courts	751
51.	United States Court of Federal Claims	791
[53.	Repealed.]	
55.	Court of International Trade	871
57.	General Provisions Applicable to Court Officers and Employees	951
58.	United States Sentencing Commission	991

SENATE REVISION AMENDMENT

Chapter 59 was renumbered as Chapter 57 but without change in its section numbers, by Senate amendment. See 80th Congress Senate Report No. 1559.

AMENDMENTS

1998—Pub. L. 105-315, §12(b)(3), Oct. 30, 1998, 112 Stat. 2998, substituted “Alternative Dispute Resolution” for “Arbitration” as item for chapter 44.

1992—Pub. L. 102-572, title IX, §902(b)(1), Oct. 29, 1992, 106 Stat. 4516, substituted “United States Court of Federal Claims” for “United States Claims Court” as item for chapter 51.

1988—Pub. L. 100-702, title IX, §901(b), Nov. 19, 1988, 102 Stat. 4663, added item for chapter 44.

1984—Pub. L. 98-473, title II, §217(b), Oct. 12, 1984, 98 Stat. 2026, added item for chapter 58, effective on the first day of the first calendar month beginning twenty-four months after Oct. 12, 1984 (Nov. 1, 1986).

1982—Pub. L. 97-164, title I, §121(g)(1), Apr. 2, 1982, 96 Stat. 35, substituted “United States Claims Court” for “Court of Claims” as item for chapter 51.

Pub. L. 97-164, title I, §122(a), Apr. 2, 1982, 96 Stat. 36, struck out item for chapter 53.

1980—Pub. L. 96-417, title V, §501(13), Oct. 10, 1980, 94 Stat. 1742, substituted “Court of International Trade” for “Customs Court” as item for chapter 55.

1978—Pub. L. 95-598, title II, §233(b), Nov. 6, 1978, 92 Stat. 2667, directed the addition of item for chapter 50, “Bankruptcy Courts”, which amendment did not become effective pursuant to section 402(b) of Pub. L. 95-598, as amended, set out as an Effective Date note preceding section 101 of Title 11, Bankruptcy.

1968—Pub. L. 90-578, title I, §102(a), Oct. 17, 1968, 82 Stat. 1114, substituted “United States Magistrates” for “United States Commissioners” as item for chapter 43.

1967—Pub. L. 90-219, title II, §204, Dec. 20, 1967, 81 Stat. 669, added item for chapter 42.

CHANGE OF NAME

“United States Magistrate Judges” substituted for “United States Magistrates” in item for chapter 43 pursuant to section 321 of Pub. L. 101-650, set out as a note under section 631 of this title.

CHAPTER 41—ADMINISTRATIVE OFFICE OF UNITED STATES COURTS

Sec.	
601.	Creation; Director and Deputy Director.
602.	Employees.
603.	Salaries.
604.	Duties of Director generally.
605.	Budget estimates.
606.	Duties of Deputy Director.
607.	Practice of law prohibited.
608.	Seal.
609.	Courts’ appointive power unaffected.
610.	Courts defined.
611.	Retirement of Director.
612.	Judiciary Automation Fund. ¹
613.	Disbursing and certifying officers.

AMENDMENTS

2000—Pub. L. 106-518, title III, §304(b), Nov. 13, 2000, 114 Stat. 2418, added item 613.

1989—Pub. L. 101-162, title IV, §404(b)(2), Nov. 21, 1989, 103 Stat. 1015, added item 612.

1967—Pub. L. 90-219, title II, §201(b), Dec. 20, 1967, 81 Stat. 668, added item 611.

1959—Pub. L. 86-370, §5(a)(2), Sept. 23, 1959, 73 Stat. 652, substituted “Deputy Director” for “Assistant Director” in items 601 and 606.

1949—Act May 24, 1949, ch. 139, §72a, 63 Stat. 100, inserted an apostrophe after “Courts” and struck out comma after “Courts” in item 609.

§ 601. Creation; Director and Deputy Director

The Administrative Office of the United States Courts shall be maintained at the seat of government. It shall be supervised by a Director and a Deputy Director appointed and subject to removal by the Chief Justice of the United States, after consulting with the Judicial Conference. The Director and Deputy Director shall be deemed to be officers for purposes of title 5, United States Code.

(June 25, 1948, ch. 646, 62 Stat. 913; Pub. L. 86-370, §5(a)(1), Sept. 23, 1959, 73 Stat. 652; Pub. L.

101-650, title III, §307, Dec. 1, 1990, 104 Stat. 5112; Pub. L. 104-317, title VI, §602, Oct. 19, 1996, 110 Stat. 3857.)

HISTORICAL AND REVISION NOTES

Based on title 28, U.S.C. 1940 ed., §444 (Mar. 3, 1911, ch. 231, §302 as added Aug. 7, 1939, ch. 501, §1, 53 Stat. 1223).

This section contains part of section 444 of title 28, U.S.C., 1940 ed. The remainder of said section 444 is incorporated in sections 603, 606 and 608 of this title.

Changes were made in phraseology.

AMENDMENTS

1996—Pub. L. 104-317 inserted at end “The Director and Deputy Director shall be deemed to be officers for purposes of title 5, United States Code.”

1990—Pub. L. 101-650 substituted “Chief Justice of the United States, after consulting with the Judicial Conference” for “Supreme Court”.

1959—Pub. L. 86-370 substituted “Deputy Director” for “Assistant Director”.

EFFECTIVE DATE OF 1959 AMENDMENT

Amendment by Pub. L. 86-370 effective Sept. 23, 1959, see section 7(a) of Pub. L. 86-370.

VETERANS’ PREFERENCE IN JUDICIAL BRANCH APPOINTMENTS

Pub. L. 105-339, §4(d), Oct. 31, 1998, 112 Stat. 3186, provided that:

“(1) IN GENERAL.—Subject to paragraphs (2) and (3), the Judicial Conference of the United States shall prescribe procedures to provide for—

“(A) veterans’ preference in the consideration of applicants for employment, and in the conduct of any reductions in force, within the judicial branch; and

“(B) redress for alleged violations of any rights provided for under subparagraph (A).

“(2) PROCEDURES.—Under the procedures, a preference eligible (as defined by section 2108 of title 5, United States Code) shall be afforded preferences in a manner and to the extent consistent with preferences afforded to preference eligibles in the executive branch.

“(3) EXCLUSIONS.—Nothing in the procedures shall apply with respect to an applicant or employee—

“(A) whose appointment is made by the President with the advice and consent of the Senate;

“(B) whose appointment is as a judicial officer;

“(C) whose appointment is required by statute to be made by or with the approval of a court or judicial officer; or

“(D) whose appointment is to a position, the duties of which are equivalent to those of a Senior Executive Service position (within the meaning of section 3132(a)(2) of title 5, United States Code).

“(4) DEFINITIONS.—For purposes of this subsection, the term ‘judicial officer’ means a justice, judge, or magistrate judge listed in subparagraph (A), (B), (F), or (G) of section 376(a)(1) of title 28, United States Code.

“(5) SUBMISSION TO CONGRESS; EFFECTIVE DATE.—

“(A) SUBMISSION TO CONGRESS.—Not later than 12 months after the date of enactment of this Act [Oct. 31, 1998], the Judicial Conference of the United States shall submit a copy of the procedures prescribed under this subsection to the Committee on Government Reform and Oversight [now Committee on Government Reform] and the Committee on the Judiciary of the House of Representatives and the Committee on Governmental Affairs [now Committee on Homeland Security and Governmental Affairs] and the Committee on the Judiciary of the Senate.

“(B) EFFECTIVE DATE.—The procedures prescribed under this subsection shall take effect 13 months after the date of enactment of this Act.”

REFERENCE TO ASSISTANT DIRECTOR DEEMED REFERENCE TO DEPUTY DIRECTOR

Section 5(a)(4) of Pub. L. 86-370 provided that: “Whenever the Assistant Director of the Administrative Of-

¹ Section catchline amended by Pub. L. 104-106 without corresponding amendment of chapter analysis.